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Re: Waste Management of Alameda County, Inc. v. Warehouse Union Local No. 6., ILWU
Case No. C 07-03675 WHA (ENE)

Dear Counsel:

As a follow-up to my December 3rd telephone conference with Mike Nevin and Ron, this confirms that the parties will choose a date during the week of January 7, 2008 for the session. They will also choose a location. This should be done as soon as possible because the Court has ordered us to complete the session by January 15, 2008. We should keep the whole day available to allow the session to continue as long as it is being productive.

Please make sure that the written statements described in ADR L.R. 5-9 are exchanged and in the mail by the Friday, January 4th at the latest. Do not fax the statements to me. Any key documents you feel that I should read may be included in the statements. As we discussed, the more focused the statements are, the better prepared we all will be and the more meaningful our ENE session will be. As we also discussed, please bring whoever is authorized to make decisions for their respective party and someone who will be able to address any factual issues. Any documents that address whether or not Local No. 6 engaged in the alleged conduct should be available during the session.

Based on our telephone conference, the parties have not conducted and do not anticipate conducting some discovery before the ENE session, nor have they engaged in any settlement discussions. I recommend that both parties bring pro forma settlement agreements with them in case the session results in settlement discussions.

You should prepare for the session by discussing each of the following items with your clients:

- The strengths and weaknesses of your case
- The probable outcome if the case proceeds to trial
- Yours plans for discovery and motions
- Your client's goals, needs and priorities

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- Your client's best and worst alternatives to a negotiated settlement
- Your estimated budget to litigate the case through trial

I will donate my preparation time and the first four hours of the session. After that, if you all agree to continue, I may charge the hourly court-set rate under ADR L.R. 5-4(b). I look forward to working with you and your clients.

Very truly yours,

John H. Feldmann III

cc: Ms. Alice Fiel ADR Case Administrator (by e-mail)